



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2879 of 2022

Vadivel @ Arulprasath

... Petitioner/Accused
Rank Not Known

Vs

The State represented by
The Inspector of Police,
Viralimalai Police Station,
Pudukkottai District.
(Crime No.543 of 2021)

... Respondent/Complainant

For Petitioner : Mr.B.MURUGANANDAM,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR
Additional Public Prosecutor

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :- For Bail in Crime No.543 of 2021 on the file of the Respondent police.

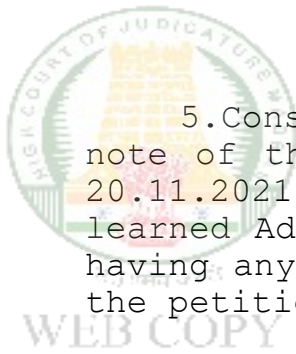
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 20.11.2021 for the offence punishable under Section 363 IPC and Sections 6(1) of POCSO (Amendment) Act, 2019 and 9 CMR (Child Marriage Restraint) Act, 2006, in Crime No.543 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner, who is aged about 27 years, had kidnapped the minor victim girl, aged about 17 years. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner is in judicial custody from 20.11.2021 and that he has no connection whatever with the alleged occurrence.

4.The learned Additional Public Prosecutor would submit that the petitioner and the victim girl were in love with each other, that the victim girl, in her statement recorded under Section 164 Cr.P.C., has not implicated the petitioner and that the investigation is completed.



5.Considering the above facts and circumstances and also taking note of the facts that the petitioner is in judicial custody from 20.11.2021, that the investigation is completed as stated by the learned Additional Public Prosecutor and that the petitioner is not having any bad antecedents, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahila Court, Pudukottai.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall not abscond during trial;

(v)On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***.

(vi)If the accused / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/02/2022

/ TRUE COPY /

10/02/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKOTTAI.

2 THE OFFICER INCHARGE
SUB-JAIL, PUDUKKOTTAI.



3 THE INSPECTOR OF POLICE,
VIRALIMALAI POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SELLATHURAI.K, Advocate SR.No.967

ORDER

IN

CRL OP(MD) No.2879 of 2022

Date :10/02/2022

SA/VR/SAR.2/10.02.2022/3P/6C